

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1508 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

CHUNILAL BHURAJI PRAJAPATI

Versus

STATE OF GUJARAT

Appearance:

NOTICE SERVED for Petitioner
Ms MANISHA LAVKUMAR, for Respondent No. 1
MR HM BHAGAT for Respondent No. 2
MR DG CHAUHAN for Respondent No. 3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 03/08/1999

ORAL JUDGEMENT

The petitioner was appointed as a Diesel Mechanic in the Geology and Mines Department of the State Government on 19.9.1966. On account of abolition of post, the petitioner's services came to be terminated on 31.10.1976. Thereafter, the petitioner was absorbed in Gujarat Water Supply and Sewerage Board. The petitioner made a representation to the authorities to regularize

the break in service between 1.11.1976 and 28.7.1978. Since that request was not granted for quite some time, the petitioner filed the present petition in the year 1986.

2. When the petition came up for hearing, the learned counsel for the Board states that on 11.7.1991 the Board has passed a resolution and regularized the break in service for the period from 1.11.1976 to 28.7.1978 and had also given the petitioner continuity of service on the terms and conditions set out in the order dated 23.8.1991. The learned counsel further states that the petitioner waived the rights of seniority and arrears of salary and also gave an undertaking to the Board to that effect and thereafter the petitioner retired from service from 31.7.1992 and the petitioner has been paid all the retirement benefits. The petitioner is also receiving pension.

3. In view of the above, it is clear that the petitioner's grievance has been redressed. The petition has, therefore, become infructuous and is accordingly disposed of as infructuous.

Rule is discharged with no order as to costs.

August 3, 1999 (M.S. Shah, J.)

sundar/-